

REMARKS

Introduction:

Claims 1-6 and 8 are pending in the present application. Applicant is amending herewith Claims 1-6 and 8; applicant is adding herewith new Claims 9-25. Support for these amendments is found generally throughout the application. Following entry of the amendments requested herein, Claims 1-6 and 8-25 will be pending in this application and will be subject to further examination. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and the following remarks.

The Office Action:

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated and unpatentable over the patent to Morris (U.S. Patent No. 4,715,090). Claim 3 was rejected under 35 U.S.C. §103(a) as being obvious and unpatentable over the patent to Morris in view of German Patent DE 1584006 B ("006"). Claims 4-6 and 8 were rejected under 35 U.S.C. §103(a) as being obvious and unpatentable over the patent to Morris in view of the '006 patent. Applicant respectfully traverses the foregoing rejections.

Rejection Under 35 U.S.C. § 102:

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated and unpatentable over the patent to Morris. The rejection states that Morris discloses a vehicle hinge with first and second hinge leafs connected via pivot pins 3, with retention means 22, and the device operates as claimed. Applicant respectfully disagrees.

The vehicle hinge assembly of Claim 1 requires a first hinge leaf hingedly connected to a second hinge leaf by a pivot pin, where the pivot pin is immovably mounted to one hinge leaf and is rotatably mounted to, and is axially withdrawal from, the other hinge

leaf.

The vehicle hinge assembly of Claim 1 also requires a hinge pin retention means associated with the other hinge leaf for preventing axial withdrawal of the pivot pin therefrom. The hinge pin retention means includes hinge pin engagement means movably mounted on the other hinge leaf for movement between first and second positions.

The hinge assembly disclosed in Morris includes first and second hinge leaves (1, 14) connected by a pivot pin (3). The hinge pin (3) is not immovably mounted in either of the hinge leaves (1, 14). The hinge pin (3) may be retained in the first hinge leaf (1) by deforming the end of the pin (3). However, in this arrangement the hinge pin (3) is still rotatable relative to the hinge leaf (1). The hinge pin (3) may be prevented from rotating relative to the second hinge leaf (14) by means of the locking screw (22). However, it may be removed from the hinge leaf (14) on removal of the locking screw (22).

In the event that the hinge pin (3) is considered to be immovably mounted in the first hinge leaf (1), the locking screw (22) mounted in the other of the hinge leaves (14) does not fulfill the requirements of the hinge pin retention means of Claim 1, since it prevents rotational movement of the hinge pin (3) relative to the hinge leaf (14) rather than allowing it.

In the event that the hinge pin (3) is considered to be immovably mounted in the second hinge leaf (14), the circlip (6) associated with the other of the hinge leaves (1) does not fulfill the requirements of the hinge pin retention means of Claim 1, since it is not mounted for movement on the other hinge leaf (1).

In view of the foregoing, it is respectfully submitted that all of the elements of

Claim 1 are not disclosed in Morris. Therefore, applicant submits that rejection of Claims 1 and 2 under 35 U.S.C. §102 is improper and should be withdrawn.

The Rejection Under 35 U.S.C. §103:

Claim 3 was rejected under 35 U.S.C. §103(a) as being obvious and unpatentable over the patent to Morris in view of the '006 patent. The rejection states that Morris teaches the claimed invention except for the use of a ball bearing as a retention means. The rejection also states that the '006 patent teaches the use of a ball bearing ratchet type release. The rejection states that it would be obvious to have included the ball bearing in the design of Morris for the purpose of gaining the benefit of a ratchet type release. Claims 4-6 and 8 were rejected under 35 U.S.C. §103(a) as being obvious and unpatentable over the patent to Morris in view of the '006 patent. The rejection states that the combination of references does not explicitly teach a shell-shaped cast leaf as claimed. However, the rejection states that it would have been a obvious matter of design choice. Applicant respectfully disagrees.

In the '006 patent, the hinge pin engagement means is not movable to a second position whereat it is spaced from the hinge pin (to prevent hinge pin withdrawal), nor does it act in its first position to prevent axial withdrawal of the pin. In the '006 patent, it will be noted that, in its first position, the engagement means acts to permit axial withdrawal of the hinge pin (i.e., enable it to be withdrawn to a retracted position and thereby permit separation of the hinge leaves.

The arrangement currently claimed (whereby the engagement means is mounted on the other hinge leaf for movement between first and second positions, and, whereby, in the first position it acts to prevent axial movement of the hinge pin relative to the other hinge leaf) is not taught nor suggested by either Morris or the '006 patent. Therefore, it is submitted that the

presently claimed invention is not obvious in view of the combination of Morris and the '006 patent.

It is respectfully submitted that Claims 3-6 and 8 are not obvious in view of Morris and the '006 patent. Therefore, the rejection of Claims 3-6 and 8 under 35 U.S.C. §103 is improper and should be withdrawn.

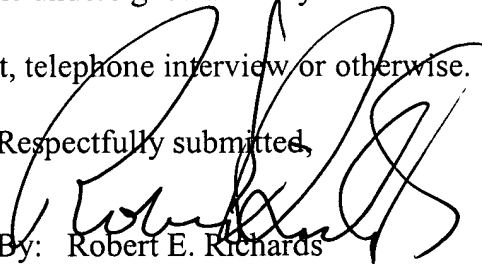
New Claims:

Applicant is adding herewith new Claims 9-25. Claims 9 and 10 are dependent claims that depend from Claims 6 and 8, respectively. Claims 11 and 12 depend from Claims 2 and 3, respectively. Claims 13-15 depend from Claims 3-5, respectively. Claims 16-20 depend from Claims 3-7, respectively. And, Claims 21-25 depend from Claims 16-20, respectively. Claims 9-25 are patentable over Morris and the '006 patent for the same reasons as set forth above for Claims 1-6 and 8. Therefore, applicant submits that Claims 9 and 10 are in condition for allowance.

Conclusion:

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and remarks. Such action is courteously solicited. Applicant further requests that the Examiner call the undersigned attorney if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

Respectfully submitted,

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